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**Subject:** Public Affairs Summary for Regional Administrator, Jan. 05, 2017  
**Date:** Friday, January 5, 2018 4:17:00 PM  
**Attachments:** [image001.png](#)  
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## **Incoming Media and Congressional Inquiries and Selected News Clips for Regional Administrator's "Real Time" Awareness (Jan. 05, 2018)**

### ***Congressional Interest/Inquiries:***

*None today*

### ***Press Inquiries:***

Bellingham Herald, Lynden Tribune and Seattle Times so far re: Doug Ericksen.

### ***Relevant Local and National News Clips:***

#### **Sen. Doug Ericksen appointed to EPA post in Seattle**

Bellingham Herald | Jan. 5 |

<http://www.bellinghamherald.com/news/local/article193252109.html>

#### **Oregon Sues Monsanto over PCBs in Willamette**

Chicago Tribune | Jan. 5 |

<http://www.chicagotribune.com/business/sns-bc-us--oregon-monsanto-lawsuit-20180104-story.html>

#### **If the Arctic Ocean is reopened to drilling, will the industry come?**

Alaska Dispatch News/Anchorage Daily News? | Jan. 4 |

[https://www.adn.com/business-economy/energy/2018/01/04/if-the-arctic-ocean-is-reopened-to-drilling-will-the-industry-come/?utm\\_source=Sightline%20Institute&utm\\_medium=web-email&utm\\_campaign=Sightline%20News%20Selections](https://www.adn.com/business-economy/energy/2018/01/04/if-the-arctic-ocean-is-reopened-to-drilling-will-the-industry-come/?utm_source=Sightline%20Institute&utm_medium=web-email&utm_campaign=Sightline%20News%20Selections)

#### **Superfund work touted by Trump EPA was completed years ago**

Seattle Times and many other outlets | Jan. 5 |

<https://www.seattletimes.com/nation-world/nation-politics/superfund-work-touted-by-trump-epa-was-completed-years-ago/>

#### **EPA chief Pruitt is said to be eyeing attorney general job**

**A nomination would face strong resistance from Democrats over his weakening of environmental protections.**

Politico and other outlets | Jan. 5 |

<https://www.politico.com/story/2018/01/05/scott-pruitt-us-attorney-general-position-326373>

**Dems press Pruitt over axed contract with Republican PR firm**

E&E | Jan. 5 |

<https://www.eenews.net/eenewspm/2018/01/05/stories/1060070269>

***EPA Headquarters Compiled Clips (warning: this is long)***

[NY Times - Expect Environmental Battles to Be 'Even More Significant' in 2018](#)

[Reuters via NY Times - Can't Please Everyone: Trump Energy Policy Riles Competing Sectors](#)

[Politico: EPA chief Pruitt is said to be eyeing attorney general job](#)

[Politico: EPA coal jobs study](#)

[AP via Chicago Tribune - Superfund work touted by Trump EPA was completed years ago](#)

[AP via New York Times - Watchdog to Investigate Flood Risks to Superfund Sites](#)

[Washington Examiner - EPA sets hard deadline for enforcing Obama-era ozone restrictions](#)

[Bloomberg Environment - Climate Advisers Exiled by Trump Form Panel to Continue Work](#)

[Bloomberg Environment - All About: Delaware's Air Pollution Woes](#)

[Inside EPA - Fluoride Case Ruling May Open Door To More TSCA Petitions, Attorneys Say](#)

[Inside EPA - High-Level 'Awareness Reviews' Stall EPA's FOIA Releases, Prompting Suits](#)

[EE Greenwire - Politics killed newspaper grant — ex-Bay Program chief](#)

[NYT Opinion - Trump's Disdain for Science](#)

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**Politico: EPA coal jobs study**

<https://www.politico.com/newsletters/morning-energy/2018/01/05/zinkes-drilling-plan-lands-with-a-thud-065911>

**Morning Energy, 1/5/18**

Murray Energy is appealing the 4th Circuit ruling from last year that said EPA was not legally obligated under the Clean Air Act to produce a study specifically considering coal industry job losses caused by its regulations. The Trump administration opposes requiring EPA to produce the study

Murray wants and has urged the Supreme Court not to take the case. But EPA Administrator Scott Pruitt [said in October](#) that his agency will give greater consideration to coal jobs via some type of study in the future. The case is 17-478, *Murray v. Pruitt*.

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### **Bloomberg Environment - Climate Advisers Exiled by Trump Form Panel to Continue Work**

<https://bna.com/environment-and-energy/climateadvisersexiled-by-trump-form-panel-to-continue-work>

**By Eric Roston, 1/4/18**

Scientists who sat on a federal climate change committee weren't deterred after the Trump administration disbanded the advisory panel in 2017: now they're taking their research elsewhere.

Columbia University's Earth Institute hired one of the committee's researchers, Richard Moss of the University of Maryland, who will reconvene most of the former panel members and produce the same reports.

The shadow panel, announced Jan. 4, is the latest example of how President Donald Trump's antipathy toward climate change research and policy is pushing scientists into internal exile.

As a visiting scientist, Moss and the panel will produce the report, which is an addendum to the government's quadrennial National Climate Assessment—released in early November—that focuses on local impacts of a changing climate.

The effort is expected to receive some financial backing from New York State as well as administrative support from the American Meteorological Society, a professional group based in Boston. The report will be available for public and peer review in June.

New York State wants the committee to “continue its critical work without political interference and provide the guidance needed to adapt to a changing climate,” it said in a statement.

Other non-federal institutions also have taken on climate science research dropped by the Trump administration.

#### **Social Cost of Carbon**

Resources for the Future, a 65-year-old policy research organization based in Washington, launched a three-year effort in June to update and maintain a central element of climate economics, known as the social cost of carbon.

The measure is an estimate in today's dollars of the projected economic impact of climate change—elements that could include, for example, the health risks associated with air pollution or the cost of coastal flooding from rising sea levels.

RFF estimates that every metric ton of carbon-dioxide pollution represents roughly \$40 in future

damage. In 2017, the world released an estimated 37 billion tons of CO<sub>2</sub>, a 2 percent increase over the previous year.

The social cost of carbon was used in Obama-era climate regulation, when it received backing of a federal court, and the methodology behind it is still put to use in U.S. states, companies, and other countries in determining future costs and benefits of regulations.

#### France Steps Up

When it launched the project, RFF cited Trump's executive order in March rescinding Obama-era climate-economics research and use of the social cost of carbon in regulatory cost-benefit analyses. Based on assumptions put forward by the Trump administration—which are outside mainstream published economic research and government practice—the social cost of carbon is as low as \$1 a ton.

Other nations may use the U.S.'s new lack of interest in climate to their own advantage.

French President Emmanuel Macron earned headlines in June by expressing interest in luring American scientists to Europe, and followed up with an announcement in December that 13 U.S.-based researchers were among 18 who'd been awarded \$70 million in French research grants.

Other U.S. scientists may be finding their way to Europe on their own.

Before Trump took office, scientists raced to download and save scientific data from the Environmental Protection Agency and Department of Energy, on fears the incoming administration would remove it or make it harder to access.

The EPA itself eventually got in on the act. A permanent banner across the top of [www.epa.gov](http://www.epa.gov) and an item at the bottom of the page link readers to the agency's site as it existed on Jan. 19, 2017—the day before Trump took office.

"The banner shows that not only have we properly archived Obama's EPA website, it's still accessible," EPA spokesman Jahan Wilcox said.

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#### **Bloomberg Environment - All About: Delaware's Air Pollution Woes**

<https://bna.news.bna.com/environment-and-energy/energy-and-environments-impact-in-five-house-races-delaware-americas-tailpipe-3>

**1/5/18**

Delaware said this week that it [intends to sue](#) the EPA for allegedly failing to curb pollution that blows into the state from out-of-state power plants. It's not the first time the First State has taken such an action—and it probably won't be the last.

"Delaware is, unfortunately, located at the end of what I call America's tailpipe," [says](#) Tom Carper,

the state's senior senator and the top Democrat on the Senate's environment committee. "Other states' dirty emissions from cars and power plants drift east, causing pollution that Delaware cannot regulate. This dirty air negatively impacts the health of Delawareans."

Ozone pollution has been a persistent problem in Delaware, which is part of the ozone transport region of states from Virginia to Maine. Delaware says 94 percent of its ozone levels are caused by pollutants blowing in from out of state.

It's suing the EPA over pollution blowing in from upwind power plants in neighboring Pennsylvania and West Virginia, which emit ozone precursors, including nitrogen oxides and volatile organic compounds.

Wilmington, the state's largest city, [was named](#) the second-worst city in the Northeast for smog pollution in an April 2017 report by the environmental group Environment America Research & Policy Center. Local officials say the number of neighborhoods surrounded by industrial companies and contaminated brownfields has only worsened pollution levels.

Meanwhile, to reduce in-state pollution from car exhaust, Delaware adopted California's motor vehicle emissions standards, which are stricter than the federal emissions standards for volatile organic compounds. Medium- and heavy-duty vehicles are restricted from idling longer than three minutes, and the cities of Newark and Wilmington have anti-idling ordinances to reduce air pollution from cars. — *Jennifer Lu*

### Other Stories We're Covering

- Comments are due today on the EPA's proposal to exempt glider kits—new truck chassis and cab assemblies built for the installation of a used engine and transmission—from Obama-era greenhouse gas standards for heavy-duty trucks. The plan [drew widespread opposition](#) at a public hearing last month, including from major truck engine manufacturers such as Volvo that argue an exemption undercuts investments that they've made in cleaner vehicles. [Abby Smith](#) is monitoring.
- The arguments of Pacific Legal Foundation senior attorney M. Reed Hopper, [who died](#) on Christmas day, form the basis of the EPA's plans to roll back the Clean Water Rule.
- California's decision to label a common herbicide as carcinogenic [unconstitutionally forces](#) businesses to issue "false and misleading" statements about their products, 11 other states tell a federal court.

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**Inside EPA - Fluoride Case Ruling May Open Door To More TSCA Petitions, Attorneys Say**  
<https://insideepa.com/daily-news/fluoride-case-ruling-may-open-door-more-tsca-petitions-attorneys-say>

**By Maria Hegstad, 1/4/18**

The recent federal court ruling allowing environmentalists to sue EPA for rejecting their petition seeking Toxic Substances Control Act (TSCA) rules on fluoridation could open the door to new citizen

petitions to the agency under section 21 of the law seeking rules on other substances.

“The fluoridation case may signal to environmental groups that the courts may be receptive to granting section 21 petitions or at a minimum that EPA’s reasons for a denial will be closely scrutinized,” Herb Estreicher, an attorney and chemist with the law firm of Keller and Heckman, tells Inside EPA.

“As a result, we may see more section 21 petitions from environmental groups and a greater willingness to challenge an EPA denial in the courts.”

An environmentalist attorney appears to echo Estreicher's view. “The judge squarely rejected EPA’s approach and underscored the important role of section 21 under the law. I think the decision will be very helpful in future section 21 cases,” the attorney tells Inside EPA.

At the same time, several attorneys say they expect that the decision will have a limited effect on environmentalists' ongoing challenges to framework rules implementing TSCA reform, where, like the fluoride case, the court is weighing the question of which uses EPA must consider when assessing chemicals for possible regulation. They say the ruling in the fluoride case will have little bearing in the framework rules cases because they hinge on different sections of the statute.

“I’m not concerned that the decision will somehow undermine the position in the framework rule challenges that the law requires risk evaluations to address all conditions of use. That issue was not before the court and wasn’t decided,” the environmentalist lawyer says.

Late last month, Judge Edward Chen of the U.S. District Court for the Northern District of California denied EPA's request to dismiss Food & Water Watch Inc., et al, v. EPA, the suit challenging it's petition's denial.

Chen ruled that the new TSCA law allows citizens to petition EPA under TSCA section 21 to regulate single uses of substances, a stance at odds with the agency's position in this case that petitioners must address all uses of a substance when bringing a petition to the agency.

This argument, included in the denial issued early in the Trump administration, is consistent with the Obama EPA interpretation that the agency must evaluate all conditions of use when evaluating chemicals' risks.

But in overruling EPA, Chen's decision in the fluoride case appears to support the agency's framework rules that grant EPA discretion to determine which uses to evaluate for possible regulation under section 6 authority.

'Fairly Scathing Rebuke'

Since the ruling, some observers have indicated that Chen's approach could have bearing in environmentalists' pending challenge to the framework rules.

In those cases, a key question is what “uses” EPA must consider when evaluating chemicals for possible regulation.

While the Obama EPA's proposed section 6 rules required the agency to assess all uses, the Trump EPA's final version grants EPA discretion to determine which uses to consider, though agency officials have largely ruled out assessing legacy uses as well as uses regulated by other agencies, such as the Occupational Safety and Health Administration.

The law firm Bergeson & Campbell describes the ruling as a “fairly scathing rebuke of EPA’s legal positions,” in a Dec. 22 blog post, adding that it “essentially rejected EPA’s interpretation that a citizen petition must evaluate all conditions of use of a chemical substance in a TSCA Section 6(b) risk evaluation.”

The blog also notes “interesting issues” the ruling raises for the environmentalists' challenges to the TSCA framework rules. Those suits “challenge EPA’s view that fewer than all conditions of use must be considered in a risk evaluation, the very position the court in Food & Water Watch rejected for purposes of Section 21 petitions challenging EPA’s interpretation of a citizen’s legal burden under TSCA Section 6(a). Given that the judicial challenge to the risk evaluation final rule is being heard in the U.S. Court of Appeals for the Ninth Circuit, this district court decision is particularly relevant.”

But others argue the section 21 case will have little significance in environmentalists' challenges to EPA's framework rules, issued under section 6. Several attorneys say they consider Chen's ruling specific to TSCA section 21 citizens' petitions.

They questioned whether the ruling could be applied more broadly to EPA's risk evaluation and management responsibilities contained in section 6, even though environmentalists' challenges to the framework rules will be heard in the same Ninth Circuit.

“I think the decision is cogent and persuasive on the statutory construction issues it addresses, but I question whether it will have much collateral effect on cases not involving a Section 21 petition,” one attorney familiar with the fluoride suit tells Inside EPA. “Perhaps it may provide some modest support for EPA’s construction that EPA may focus a section 6(b) risk assessment on, or a manufacturer may request such a risk assessment for, only those conditions of use that are of particular interest or concern.”

And Estreicher says the decision “provides Judge Chen's interpretation of ‘conditions of use’ but the 9th Circuit will make its own decision.”

No Conflict

Michael Connett, the plaintiffs attorney in Food & Water Watch suggested even before the judge ruled that the case would not be at cross purposes with other environmental groups who have challenged the Trump EPA's final framework rules.

There isn't “any conflict between the position taken by the environmentalists (i.e., that EPA must

consider all uses when conducting risk evaluations under 6(b)), and our position here that citizen petitioners need only address one use,” Connett says now.

Two of the environmental groups suing EPA over the framework rules, the Natural Resources Defense Council and Safer Chemicals Healthy Families, filed an amici brief in the fluoride case, joining plaintiffs in opposing EPA's motion to dismiss the suit.

Connett points to the amici arguments that “if EPA determines that a chemical does not present an unreasonable risk under the conditions of use, then section 18 of TSCA limits the ability of states to regulate or restrict any use of that chemical. It is imperative, therefore, that EPA consider all conditions of use as a finding of no risk will impact the right of state to regulate all uses. By stark contrast, any ruling by the EPA (or a district court) on a specific use identified in a citizen petition will have NO effect whatsoever on the rights of states to regulate uses not at issue in the petition.”

Connett adds that the state pre-emption issue isn't the only reason his clients' suit harmonizes with environmentalists' suits on the rules.

Similarly, the environmentalist attorney says that the fluoride case, “EPA’s interpretation of 'conditions of use' under section 6(b) was not the basis for the court’s reading of section 21, nor was it endorsed by the court. I think the main relevance of that interpretation in the decision was to highlight the contradictions in EPA’s arguments and to explain why its reading of section 21 was not entitled to deference.” -- Maria Hegstad ([mhegstad@iwpnnews.com](mailto:mhegstad@iwpnnews.com))

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### **High-Level 'Awareness Reviews' Stall EPA's FOIA Releases, Prompting Suits**

<https://insideepa.com/daily-news/high-level-awareness-reviews-stall-epas-foia-releases-prompting-suits>

**By Dawn Reeves, January 04, 2018**

Senior EPA officials are reviewing some documents before their release to environmentalists under the Freedom of Information Act (FOIA), delaying the documents' release and prompting new suits from several groups seeking to challenge the delays as unlawful and win the documents release.

Late last month, the Natural Resources Defense Council (NRDC) sued EPA to force the agency to respond to a request seeking information on such “awareness reviews” being conducted in at least two separate undisclosed FOIA requests.

At the same time, Waterkeeper Alliance and several other groups are suing EPA alleging the agency is violating FOIA by conducting “senior management reviews” of their requests for data on power plant effluent discharges.

Together, the groups are suggesting that EPA is inserting an unlawful, higher level of review to FOIA requests that is delaying the data's release. EPA's FOIA office is supposed to assess requests filed



under the information law on the merits of the law and agency implementing rules, without other considerations, they say.

The term “awareness reviews” in particular could raise eyebrows and smack of political influence in releasing public information as a way to curb transparency or address EPA's image under Administrator Scott Pruitt, who has been criticized for being secretive and opaque.

EPA's press office did not respond to a request for comment from InsideEPA about awareness reviews, who conducts them and where they are authorized. And the agency has yet to defend its senior management review in the Waterkeeper Alliance case though in a recent amended response to the complaint, the agency appears to confirm the review is occurring.

The answer says EPA asserts that “staff have provided Plaintiff's counsel with periodic updates regarding EPA's progress in processing the FOIA request, indicating that certain responsive hard copy records were under management review.”

One NRDC source says that awareness reviews or senior management reviews are not “mentioned in FOIA, EPA's FOIA regulations, or in any publicly available information about EPA's FOIA procedure. We think it might involve review of records in proposed FOIA productions by higher level officials at EPA, the White House, or both, to give those officials notice that the documents are going to be released.”

The dispute over the high-level reviews comes as EPA's FOIA office under the Trump administration faces a significant backlog of requests dating back years, and is generally not responding to requests unless a party sues in federal district court to enforce statutory deadlines.

The agency has said it is working to clear a backlog of FOIA request responses left over by the Obama administration.

EPA Sept. 30 released a 114-page document listing all outstanding FOIA requests the agency is processing , including NRDC's Sept. 5 FOIA request seeking information about the awareness reviews.

'Unusual Circumstances'

The NRDC suit, NRDC v. U.S. EPA, filed Dec. 21 in the U.S. District Court for the District of Columbia, seeks a deadline for EPA to respond to the group's Sept. 5 request.

“EPA sought to delay responding to at least two of NRDC's recent FOIA requests beyond the statutory deadline so that the agency could conduct what it called an 'awareness review.' This case involves a document request seeking information about the nature of these awareness reviews,” the complaint says.

The complaint does not identify the two specific FOIA requests that may have been delayed as a result of the awareness reviews.

NRDC sources declined to specify what the requests cover since the information was gathered in conversations with NRDC and EPA attorneys.

The complaint says that the group's Sept. 5 FOIA request sought documents dating back to Jan. 1 related to "any awareness review carried out while processing a FOIA request, including information about EPA policies governing awareness reviews, criteria for selecting responses subject to review, and the time required to complete the reviews."

EPA said in a Sept. 28 email to NRDC that "unusual circumstances" required an extension to its statutory deadline to respond, and said it would need to search for records and may need to consult "with another agency having a substantial interest in the determination of the request," according to the complaint.

EPA and NRDC conferred on the scope of the request that same day, the complaint says, and then on Nov. 20 EPA said in another email that it had a backlog of FOIA requests and could not provide an estimated response date for this request. The complaint notes its statutory deadline to originally respond was Oct. 3.

NRDC asks the court to find that EPA has violated FOIA by failing to respond by the statutory deadline, order it to release the records immediately, and order it to produce an index of anything withheld under claimed FOIA exemptions.

The other suit, *Waterkeeper Alliance, et al. v. EPA*, filed Sept. 28 in the U.S. District Court for the Southern District of New York, seeks a deadline for the agency to respond to the groups' April 3 FOIA request for information about EPA's effluent limitation guidelines (ELGs) for power plants, a rule developed by the Obama administration that the Trump EPA is reconsidering.

In it, the groups charge that the release of documents has been delayed in part because of senior management reviews.

"Since the FOIA request was submitted, EPA has only provided one document to Plaintiffs in response to the request. EPA has acknowledged that it has numerous other agency records in its possession that are responsive to the request. However, EPA staff have informed Plaintiffs that EPA will not release additional records to Plaintiffs until the Agency completes a 'senior management review' of whether to release the records. EPA has been unable to provide

Plaintiffs with any date certain by which this "senior management review" will be completed and EPA will comply with its obligations under FOIA," the complaint says.

It also includes as exhibits correspondence between EPA and the requestors, including one document where EPA says the 20-day "processing clock is stopped" for the FOIA request until it receives clarifying information, and a response from environmentalists saying, "We do not believe that EPA has the authority under FOIA to grant itself an indefinite delay in responding to our FOIA request, nor does the letter attempt to cite to any such authority."

The final exhibit is a letter from EPA providing “two pages of releasable records” as an interim response.

None of the pages use the term “senior management review” in writing.

EPA in a Nov. 22 amended answer denies portions of environmentalists allegations but acknowledges that “certain hard copy records were under management review and that EPA's initial review of electronic documents was ongoing.” -- Dawn Reeves ([dreeves@iwpnews.com](mailto:dreeves@iwpnews.com))

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### **EE Greenwire - Politics killed newspaper grant — ex-Bay Program chief**

<https://www.eenews.net/greenwire/2018/01/04/stories/1060070101>

**Ariel Wittenberg, E&E News reporter**

**Published: Thursday, January 4, 2018**

A 26-year old government-backed newspaper is in peril after EPA decided to pull its funding.  
EPA/Flickr

The Trump administration's decision to yank funding for a 26-year-old newspaper focused on the Chesapeake Bay was "totally ideologically driven," according to the recently retired head of the U.S. EPA bay cleanup effort.

Nicholas DiPasquale, who retired after six years at the helm of the U.S. EPA-led Chesapeake Bay Program last week, discussed the decision to cut funding for the *Bay Journal* in an interview Monday.

A week before EPA cut funding last August, he said, he had a "very disturbing" phone call with John Konkus, the agency's associate administrator for public affairs, who wanted to discuss the newspaper's grant. Toward the end of their talk, DiPasquale said, Konkus questioned why the government was providing the paper a six-year grant worth up to \$1.95 million.

"His response was, 'Well, everybody knows that the American public doesn't trust the press' and he saw no reason for us to fund the Bay Journal," DiPasquale said.

EPA told the Journal staff on Aug. 23 that funding was cut "due to a shift in priorities."

DiPasquale disputed the agency's assertion in an interview this week. "There was no change in priorities," he said. EPA would have had to discuss any change in priorities with six states and the District of Columbia in the Chesapeake Bay cleanup before making changes.

"This was totally ideologically driven, totally unilateral," he said in an interview. "I think it's driven by the ideology of the Trump administration, which is you discredit any news source that happens to print anything you find disagreeable."

Konkus declined to comment when asked about his conversation with DiPasquale and related emails. EPA's press office didn't respond to multiple requests for comment. The agency did

acknowledge that Konkus has reviewed grant decisions, including the Bay Journal award, in a Dec. 21 court filing.

The day after his call with Konkus, DiPasquale reported his conversation to Cecil Rodrigues, who was then-acting administrator in EPA's Philadelphia-based Region 3 office, which oversees the Bay Program. He later filed a complaint with EPA's Office of Inspector General, saying that yanking Bay Journal funding violated EPA grant regulations.

The IG's office said its policy prohibits confirming or denying receipt of a complaint.

Terri White of EPA Region 3's press office — who joined DiPasquale on the call with Konkus and was copied on the memo to Rodrigues — replied to the agency email chain that DiPasquale's account of the call was accurate.

"I agree with Nick's summary of the call," she wrote.

White didn't respond to requests for additional comment.

Konkus is a former congressional staffer who managed the North Florida field office for then-presidential candidate Donald Trump's campaign in 2016. He has reportedly canceled almost \$2 million in competitive EPA grants to nonprofit groups and universities (Greenwire, Aug. 17, 2017).

EPA gave the six-year grant to the Bay Journal in 2015, with the agency agreeing to pay \$325,000 to the newspaper annually through 2021. The agency agreement says the grant was to be used to produce content "to raise public awareness of issues concerning to the Chesapeake Bay and its health" for the newspaper's website and 10 print editions.

'Strong First Amendment concerns'

Founded in 1991, the nonprofit Bay Journal has a print circulation of 50,000 and employs some name-brand journalists, including managing editor Tim Wheeler and columnist Tom Horton, who were longtime environmental reporters at The Baltimore Sun .

EPA has been providing grants to the Bay Journal for 25 years.

Bay Journal editor Karl Blankenship estimated that EPA grants make up 45 percent of the newspaper's budget. Since funding was pulled, he said, the paper has been unable to replace two staff members who left, shrinking its newsroom to eight employees.

Blankenship says the paper has funding to run through "the mid-part of the year, and then it is uncertain after that." He said he has been speaking with foundations across the sprawling bay watershed to try to raise money, but said that effort is stymied by uncertainty surrounding whether the Bay Journal's administrative appeal and lawsuit will be successful.

"It's been a tough thing to communicate to people," he said. "The uncertainty is actually a big issue."

Josephine Morse, an attorney for government watchdog group Democracy Forward, which is representing the Bay Journal, said EPA's decision to pull the paper's funding "raises strong First Amendment concerns."

She noted that EPA has pushed back against the press in other ways, issuing releases slamming reporters' coverage of agency issues (Greenwire, Sept. 5, 2017).

"Certainly, when you put this together with many other actions the administration has taken, it raises a strong concern," she said.

DiPasquale's memo on Aug. 15 said Konkus began the discussion by raising concerns about a 2012 inspector general's audit of a grant awarded to the Alliance for the Chesapeake Bay that the nonprofit then used to fund the Bay Journal as a subcontractor. The audit faulted the Annapolis, Md.-based alliance for failing to follow federal accounting requirements in justifying \$1.3 million related to the cost of publishing the newspaper.

The IG ultimately determined that the group "may not have the capacity to manage current and future grant awards."

In the memo, DiPasquale says he told Konkus that the IG audit didn't fault the accounting practices of the Bay Journal itself.

He also told Konkus that since the audit, the alliance has brought on a manager with financial experience who was able to track down the funds in question. Ultimately, the alliance and IG agreed that \$10,000 in costs could not be justified.

Konkus then questioned "whether EPA should be providing funding for a newspaper," DiPasquale wrote.

When DiPasquale responded that EPA is required by the Clean Water Act to educate the public about the Chesapeake Bay Program, Konkus reportedly questioned "whether the Bay Journal has adequately indicated that it receives federal funds."

DiPasquale says he noted that the Bay Journal discloses its funding sources on the second page of its print editions and in the "About Us" section of its website.

"Then John made the most outrageous comment of all in saying that 'the American people have major concerns with newspapers and the media,'" DiPasquale told EPA Region 3 chief Rodrigues. He added that Konkus had said that "this issue has gotten the attention of higher levels of the agency."

In her reply supporting DiPasquale, White added that Konkus had said Holly Greaves, a member of Trump's beachhead team at EPA now stationed at the Office of the Chief Financial Officer, was also concerned by the grant.

"He said, 'on its face, this one is troubling and we will need to have a larger conversation in HQ with the Chief of Staff and Holly's input,'" White wrote.

'Not an EPA publication'

After the conversation with Konkus, DiPasquale said, he heard rumors that EPA political appointees were unhappy with the Bay Journal's coverage of the Trump administration's plan to eliminate funding for the Chesapeake Bay Program, which oversees and coordinates the estuary cleanup.

The newspaper published four news stories and two opinion pieces about the budget cuts between March and August.

DiPasquale followed up with Konkus by sending an email reiterating the Bay Journal's editorial independence.

"This is not an EPA publication," he wrote. "While EPA provides the grant funds, we are not allowed by law to direct what goes into the Bay Journal as if it were an EPA publication produced under a procurement contract."

DiPasquale also wrote that cutting the newspaper's funding would likely violate EPA grant policies. He attached to his email copies of the Bay Journal's work plan, which had been approved by the agency, as well as the section of the Clean Water Act directing EPA to use grant funds to inform and educate the public about the cleanup.

The next week, EPA notified the Bay Journal that the agency "has decided not to provide funds for your project." The three-sentence email doesn't mention the 2012 IG audit, nor does a follow-up email sent Sept. 20, 2017.

In an interview, DiPasquale said he believes Konkus wasn't troubled by the 2012 IG's audit but was grasping for reasons to yank funding from the newspaper.

"On the face of it, this action was wrong. They didn't seem to be interested in understanding that," he said. "We told them everything we could about the fact that the Bay Journal has always performed well financially."

The Bay Journal, he said, had published articles critical of prior administrations, DiPasquale said, but "there has never been a threat of retaliation in terms of threatening to cut off their funding."

'Do not mail it out'

DiPasquale wasn't alone in questioning Konkus' interest in the Bay Journal grant.

Emails obtained by E&E News show confused career staff in the grants office reacting to Konkus' initial request to delay funding the newspaper until he could review the grant.

On Aug. 8, he emailed Denise Polk, the director of grants, about funding the Bay Journal: "I need more info on this grant before we move it any further please."

Polk forwarded Konkus' email to a dozen EPA employees, saying "this grant cannot move forward" until Konkus' questions were addressed.

Lisa White, acting chief of grants and audit management, replied to Polk noting that the grant had already been awarded. In a second email to Polk, White mentioned that the latest funding installment was about to be sent to the Bay Journal that same day. She also said she did not realize Konkus had been tasked with reviewing "incremental" grants awarded years before.

"Did the process change?" White asked.

"No, the process has not changed. I'm not sure how this one came to his attention," Polk replied. "Please do not mail it out."

Konkus first raised concerns about the 2012 IG report in a separate email to White, before the phone call with DiPasquale. Konkus had apparently learned about the audit from a 5-year-old article from the Washington Times.

White replied, "The audit did not question the quality or value of the Bay Journal."

When White informed DiPasquale of Konkus' email and that funding had not yet been sent to the Bay Journal, his initial response was, "Is that legal?"

"To put it on hold — I would say yes," White replied. "Terminating may be different but hopefully we won't get there."

White and Polk did not respond to requests for comment.

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### **Politico - EPA chief Pruitt is said to be eyeing attorney general job**

<https://www.politico.com/story/2018/01/05/scott-pruitt-us-attorney-general-position-326373>

By Andrew Restuccia, 1/5/2018

Scott Pruitt, the administrator of the Environmental Protection Agency, has told friends and associates that he's interested in becoming attorney general, according to three people familiar with the internal discussions.

With rumors swirling that Jeff Sessions could depart the administration and two members of the House Freedom Caucus calling on the former Alabama senator to resign, Pruitt is quietly positioning himself as a possible candidate for the job.

“Pruitt is very interested,” a person close to him said. “He has expressed that on a number of occasions.”

It’s unclear whether Pruitt would be on the shortlist for the position, but people close to the president said Trump has grown to like him. Pruitt has emerged as the face of Trump’s deregulatory agenda, taking steps to overturn former President Barack Obama’s climate change regulations. He was also a leading advocate for pulling out of the Paris agreement on climate change.

Pruitt has developed a reputation in Washington as one of the most ambitious members of Trump’s Cabinet, and people close to him have long suspected that he harbors bigger aspirations in politics, perhaps as governor or senator. Two people close to him also said he has toyed with the possibility of running for president someday.

The EPA denied that Pruitt is eyeing the attorney general position.

“No, this is not true,” agency spokesman Jahan Wilcox said in a statement. “From creating regulatory certainty to cleaning up toxic superfund sites, Administrator Pruitt is solely focused on implementing President Trump’s agenda to protect the environment.”

Pruitt’s allies stressed that he is happy at the EPA and, in the words of one person who has talked to him, “feels he’s doing nation-changing work.”

Before joining the Trump administration in February, Pruitt served as Oklahoma’s attorney general, and he was a state senator before that.

A prominent Washington attorney advising one member of the administration said choosing Pruitt to replace Sessions would make sense because, as a member of the Cabinet who has already been confirmed by the Senate, Pruitt could serve in an acting capacity while he awaits lawmakers’ formal approval.

But a Pruitt nomination for attorney general would face fierce resistance from Democrats, who have criticized his tenure at the EPA, arguing that he is too closely tied to the oil industry and has weakened crucial environmental protections.

Sessions’ relationship with Trump has ebbed and flowed in recent months. It reached a low point over the summer, when Trump called Sessions out on Twitter, publicly wondering why the attorney general wasn’t investigating Hillary Clinton — and people close to the president said his relationship with Sessions has never fully recovered.

The president has also complained about Sessions’ decision to recuse himself from the Russia investigation.

“Sessions should have never recused himself, and if he was going to recuse himself, he should have told me before he took the job and I would have picked somebody else,” Trump said in a July interview with The New York Times.



The Times published an article on Thursday that said a top White House lawyer tried to persuade Sessions not to recuse himself. The Times also reported that a Sessions aide asked a congressional staffer whether he had damaging information about the director of the FBI at the time, James Comey.

Trump fired Comey in May, a move that is under scrutiny by special counsel Robert Mueller as he investigates whether the president obstructed justice.

It's unclear how the Times article will influence Sessions' status in the White House. A White House spokeswoman and several senior administration officials did not respond to requests for comment on the issue.

In an op-ed published on Thursday, Republican Reps. Mark Meadows and Jim Jordan, the chairman and former chairman of the conservative House Freedom Caucus, appeared to channel Trump's frustrations. The lawmakers called on Sessions to step down, railing against intelligence leaks to the press.

"Attorney General Jeff Sessions has recused himself from the Russia investigation, but it would appear he has no control at all of the premier law enforcement agency in the world," the lawmakers wrote. "It is time for Sessions to start managing in a spirit of transparency to bring all of this improper behavior to light and stop further violations."

"If Sessions can't address this issue immediately, then we have one final question needing an answer: When is it time for a new attorney general? Sadly, it seems the answer is now."

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**Associated Press via Chicago Tribune - Superfund work touted by Trump EPA was completed years ago**

<http://www.chicagotribune.com/news/nationworld/ct-trump-epa-superfund-20180105-story.html>

**By Michael Biesecker and Jason Dearen**

The Environmental Protection Agency is touting cleanups at seven of the nation's most polluted places as a signature accomplishment in the Trump administration's effort to reduce the number of Superfund sites, even though records show the physical work was completed before President Donald Trump took office.

The agency earlier this week credited the leadership of EPA Administrator Scott Pruitt with tripling the number of sites fully or partially removed from the Superfund's National Priorities List in 2017, compared with the two sites taken off in the Obama administration's last year.

"We have made it a priority to get these sites cleaned up faster and in the right way," said Pruitt.

He said that, with the agency's moves to create a task force and make those responsible for contamination pay for cleanup, "the Superfund program is carrying out the agency's mission of protecting human health and the environment more every day."

Cleanups of Superfund sites usually take decades, spanning presidential administrations. An analysis of EPA records by The Associated Press shows that overall the seven Superfund sites delisted last year fell short of the average pace set under both the administrations of Barack Obama and George W. Bush, even in their opening years.

All told, EPA averaged delisting more than 10 sites a year under the eight years Obama was in the White House. EPA under Bush delisted nearly 18 sites on average annually during his two terms.

Still, the EPA said Pruitt's initiatives had resulted in "significant improvement."

EPA declined Friday to provide details of procedural changes under Pruitt that led to the seven sites being delisted faster. "In 2016, President Obama's EPA cleaned up two Superfund sites, but rather than cherry-pick individual years, it would only be fair to judge us upon the completion of our tenure," said Jahan Wilcox, an EPA spokesman. "Under Administrator Pruitt's leadership, we've completed the cleanup of seven toxic land sites and this is just the beginning."

Records show that construction work at all seven sites hyped by Pruitt's EPA, such as removing soil or drilling wells to suck out contaminated groundwater, was completed years before Pruitt was confirmed as the agency's chief in February. Removing sites from the list is a procedural step that occurs after monitoring data show that remaining levels of harmful contaminants meet cleanup targets, which were often set by EPA decades ago.

Further, entries in the U.S. Federal Register showed that EPA announced its move to withdraw four of the seven sites in 2016. The planned deletions of two others were announced prior to Pruitt's May 22 directive establishing the Superfund task force.

Notice of EPA's intent to remove the last of the seven sites was Aug. 21.

There are currently more than 1,300 Superfund sites on EPA's National Priorities List at various stages in the cleanup process, and sites are routinely added to or deleted from the list each year. Sites are fully deleted after contamination is addressed across an entire property, often a former industrial site. Partial deletions occur when part of a larger site is cleaned up, but work remains to be completed on other sections.

Sites removed from the list are sometimes clean enough to be used for new housing or commercial development, though many still have levels of contamination that require deed restrictions on how the land can be used in the future.

Pruitt, a former Oklahoma attorney general who has moved to roll back dozens of EPA regulations intended to reduce future pollution, has said increasing the number of sites deleted from the priority list and cleared for redevelopment will be a focus of the agency under his watch. To lead his task

force on the issue, Pruitt tapped Albert "Kell" Kelly, a former Oklahoma bank executive who now serves as a senior adviser at EPA, despite having no prior experience as an environmental regulator.

A former EPA official said the agency's work was underway before Pruitt acted. "The agency was already doing what's in the task force report," said Phyllis Anderson, former associate director of the EPA division that manages Superfund cleanups. She retired in 2013 after 30 years at the agency, serving in Republican and Democratic administrations.

Records show the Bush administration's higher count of delistings was largely the result of work EPA completed in the 1990s, when federal spending on Superfund cleanups was roughly twice what it is now.

President Donald Trump's proposed 2018 budget seeks to cut the Superfund program by 30 percent, though Congress has not yet approved a budget for the year. Pruitt says he will accomplish more with less money through better management.

Dearen reported from Gainesville, Florida.

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### **Washington Examiner - EPA sets hard deadline for enforcing Obama-era ozone restrictions**

<http://www.washingtonexaminer.com/epa-sets-hard-deadline-for-enforcing-obama-era-ozone-restrictions/article/2645034>

**By John Siciliano, 1/4/18**

The Environmental Protection Agency has set a hard spring deadline for listing regions of the country that cannot meet the Obama administration's strict rules for smog-forming ozone emissions.

The EPA plans to complete designations for all of the non-compliant areas no later than April 30, the agency announced in the Federal Register Thursday.

The Trump EPA had tried to delay formally designating the regions as non-attainment zones, which would force some cities and other areas to establish special pollution control plans that critics of the rule have argued would deter development and economic growth.

A court blocked EPA Administrator Scott Pruitt's delay strategy and directed the agency to enforce the regulations. Since the court order, environmentalists have held the agency to meeting deadlines for designating the non-attainment regions, which is a key part of implementing the regulations.

EPA has missed the deadlines, saying it needs more time to collect data from states.

Thursday's notice ends that data collection period.

In November, the EPA said 2,646 counties, including Indian country in those counties, are meeting the ozone standards, and listed three other counties as unclassifiable. Thursday's notice means the

EPA intends to designate all of the remaining areas as non-attainment regions.

In a separate action, EPA also proposes taking a large area that includes Missouri, including St. Louis, and Illinois off the non-attainment list for related rules for controlling soot pollution.

The action is meant to get feedback from stakeholders on the EPA's proposed plan to designate the large bi-state area as meeting the rules based on new pollution data from 2017.

"EPA expects to approve the area's re-designation," the agency said. The proposal becomes effective Friday.

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#### **AP via NY Times - Watchdog to Investigate Flood Risks to Superfund Sites**

<https://www.nytimes.com/aponline/2018/01/05/us/politics/ap-us-flooding-toxic-sites.html>

**By AP Staff – 1/5/18**

WASHINGTON — A federal government watchdog agency will investigate the threats from flooding and other natural disasters to the nation's most polluted places.

The Government Accountability Office says it assigned investigators to study the risks to human health and the environment posed by natural disasters at the more than 1,300 sites in the Environmental Protection Agency's Superfund program.

The GAO's probe came after 10 senators in December requested a study of risk to the sites by natural disasters intensified by climate change.

Reporting by The Associated Press in September found more than a dozen Superfund sites flooded by Hurricane Harvey in the Houston area. A subsequent AP data review revealed that more than 2 million Americans live within a mile of 327 Superfund sites in zones at risk from flooding.

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#### **Reuters via NY Times - Can't Please Everyone: Trump Energy Policy Riles Competing Sectors**

<https://www.nytimes.com/reuters/2018/01/05/us/politics/05reuters-usa-trump-energy.html>

Reuters Staff, 1/5/18

WASHINGTON — When the administration of U.S. President Donald Trump proposed new subsidies for coal and nuclear plants, it seemed like an obvious way to deliver on campaign promises to boost the nation's energy industry.

And yet the plan, announced in September, set off sharp criticism from other sectors that Trump has also vowed to help, such as natural gas and utilities.

"Subsidies don't make you competitive - and don't make you great again," said Robert Flexon, the president and chief executive of Dynegy Inc, a Houston-based utility that owns both coal- and gas-

fired power plants.

Squabbling over the proposal exemplifies the administration's larger struggle to deliver on promises of a sweeping "energy renaissance" across the coal, oil, gas and nuclear industries.

Trouble is, policies that help one of those sectors often hurt another, illustrating the complexity of energy regulation and the difficulty in appeasing competing interests. While election campaigns often seek to neatly divide voters into two camps - those supporting energy vs. those supporting the environment - such rhetoric fails to capture the messier policy impacts on profits, hiring and emissions reductions across the energy landscape.

There is little evidence that Trump's moves so far have aided energy firms of any stripe; some administration proposals have languished amid divisive politics, while other regulatory changes have seen their impact muted by market forces.

Utilities, for instance, have shown little interest in buying more coal-fired power despite the regulatory rollbacks in Trump's pro-coal push.

A broader measure of investor sentiment on the energy industry - the Standard & Poor's 500 energy index - lost more than 7 percent in 2017 even as stock markets soared.

White House and Energy Department officials did not respond to requests for comment.

Another political flashpoint has been the administration's waffling over proposed changes to biofuels policy.

Trump's Environmental Protection Agency initially entertained a plan from oil refiners to upend regulations requiring them to blend ethanol into their gasoline - then rejected it after a backlash from the ethanol industry, rooted in Midwest corn-growing states that supported Trump's election.

The dispute sparked open warfare among the congressional backers of various industry interests, including threats to block Trump's agency nominations and accusations he had welched on campaign promises.

Even the coal industry, which played a starring role in Trump's campaign, has seen a marginal return on its lobbying efforts. It has, for instance, had little success so far in attacking subsidies for wind and solar power.

Trump and others in his administration have criticized renewable energy as expensive and dependent on government support. But the White House has not sought to repeal tax breaks expected to provide \$12.3 billion to renewable energy firms by 2020, which other Republicans continue to support.

Fossil-fuel firms clearly have more influence on policy under Trump and easier access to decision makers. Coal, oil, and gas company executives have met regularly with senior administration

officials, according to official agency schedules.

Their policy victories include rollbacks of regulations limiting emissions of carbon, methane and other pollutants; the opening of Alaska's Arctic National Wildlife Refuge to drilling; and the lifting of a coal-mining moratorium on federal lands.

But the impact of these moves on production, profits and jobs remains uncertain. Demand for additional drilling and mining leases on federal lands has been thin, and top U.S. oil and gas companies have told shareholders in regulatory filings that environmental regulations have little impact on their business.

While coal advocates have generally cheered Trump's ascension, White House policies have so far had little effect on U.S. coal consumption.

Robert Murray, chief executive of private coal company Murray Energy Corp., said Republican efforts to boost coal have addressed only the "low hanging fruit" of overturning a few environmental regulations while avoiding tougher issues.

The oil and gas industry, also championed by Trump, similarly feels let down by an administration it had hoped would strip away government interference, said Susan Ginsburg, a senior vice president of regulatory affairs for the Independent Petroleum Association of America, which represents small oil and gas companies.

The industry, she said, expected that "markets would be allowed to work."

#### HELP FOR COAL HURTS NATURAL GAS

For the coal industry - which has seen a decade of decline amid competition from cheap natural gas - the wish-list for the Trump administration is long.

In the months after Trump was elected, Trump and senior cabinet members including Energy Secretary Rick Perry met with mining executives such as Murray. Other administration officials met with lobbyists for coal firms including Peabody Energy Corp, the nation's largest miner.

Murray handed the White House a long list of recommendations, including rescinding pollution controls, slashing the EPA's size and ending green energy incentives.

Emails obtained by the Sierra Club in October revealed that Peabody had also given the administration a list of proposals, including a controversial electricity pricing measure based on the argument that coal and nuclear plants improve grid reliability.

Perry proposed in September that the Federal Energy Regulatory Commission reward coal and nuclear plants that have 90 days of fuel supply in reserve by covering their operating costs through power pricing changes. FERC is expected to decide on the request by Jan. 10.

That proposal irritated oil and gas producers, along with renewable energy firms. Both were caught off guard, said a Washington-based oil-and-gas lobbyist who spoke on condition of anonymity out of concern over offending the administration.

"Nobody in the oil and gas industry, or in the renewables industry for that matter, was consulted," the lobbyist said. "It just came out of nowhere."

The American Petroleum Institute, which represents major U.S. oil and gas companies, wrote that the plan "upsets the very foundations of the competitive wholesale electricity markets."

Michael Steel, a spokesman for the Affordable Energy Coalition, which has oil major BP as a member, called the proposal an unfair subsidy.

"The Department of Energy is trying to pick winners and losers in a way that will raise costs for consumers by billions of dollars," Steel said.

'BROKEN PROGRAM'

The political dustup over biofuels policy provides another telling example of the difficulty appeasing competing industry camps.

The Renewable Fuel Standard was introduced under former President George W. Bush as a way to help farmers and reduce oil imports. But refining companies say it costs them a fortune and threatens their survival.

Refiners expected changes to the policy after Trump named billionaire investor and refinery owner Carl Icahn as an unofficial adviser on regulation. Icahn and others proposed shifting the blending requirement to other businesses and reducing biofuels blending quotas.

But the proposals drew heavy fire from the ethanol industry and its backers. Republican Senators Chuck Grassley and Joni Ernst of Iowa in October threatened to block a key EPA nomination until the administration rejected the proposals - which it did days later, at Trump's direction.

The refining industry, in turn, was outraged by the reversal. Republican Senator Ted Cruz of Texas and other lawmakers from states with refineries demanded a meeting with Trump. Cruz later said he would block a nomination to the Department of Agriculture over the issue.

The White House is now mediating talks between both sides.

EPA spokeswoman Liz Bowman, asked if the agency could have handled the situation differently, said: "It is good public policy to vet our options with all stakeholders, which is what we have – and will continue – to do."

Follow Trump's impact on energy and environment at The Trump Effect

<https://www.reuters.com/trump-effect>. For an interactive graphic charting the policy changes, see:

<https://www.reuters.com/trump-effect/energy-environment>

(Additional reporting by Richard Valdmanis; Editing by Richard Valdmanis and Brian Thevenot)

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NYT OPINION – Trump’s Disdain for Science

<https://www.nytimes.com/2018/01/04/opinion/trump-disdain-science.html>

By Neal F. Lane and Michael Riordan

After almost a year in office, President Trump has yet to name a science adviser and director of the White House Office of Science and Technology Policy. Since World War II, no American president has shown greater disdain for science — or more lack of awareness of its likely costs.

The O.S.T.P. was authorized by Congress in May 1976 to give the president “independent, expert judgment and assistance on policy matters which require accurate assessments of the complex scientific and technological features involved.” It has played an important role in coordinating national science and technology activities and policies among federal agencies.

The director of the office, who is nominated by the president and requires Senate approval, typically serves as the president’s science adviser, providing him with confidential, unbiased counsel. Much of what the federal government does and the many policy changes the president and his appointees are now making or hope to make have scientific and technological underpinnings.

The science adviser is the one individual who can quickly pull all the relevant information together for the president, cut through conflicting advice coming from other senior advisers and Cabinet secretaries, and get evidence-based options in front of him. Especially important has been the adviser’s role in helping the president deal with crises — Sept. 11, the subsequent anthrax attacks, the Fukushima nuclear nightmare in 2011, the Ebola and Zika outbreaks, hurricane devastation and cyberattacks.

The previous O.S.T.P. director, John Holdren, a physicist and energy-policy expert from Harvard, was named to the position hardly a month after the 2008 elections and was then quickly approved by the Senate. He served throughout President Barack Obama’s two terms. In June 2001, five months into his first term, George W. Bush nominated the physicist John Marburger, then director of Brookhaven National Laboratory, to the post; he served until Dr. Holdren stepped in.

Today, the O.S.T.P. maintains only a skeleton staff led by the deputy chief technology officer, Michael Kratsios, a technologically inexperienced Silicon Valley financier holding just a bachelor’s degree in political science. The posts of deputy director and four congressionally mandated associate directors remain vacant.

It’s difficult to know what Mr. Trump really thinks about scientific issues of public concern, but he has rejected the scientific arguments for human-caused climate change and questioned the public-health case for vaccinations. And he has ignored the negative impacts of his immigration bans on



American science and technology.

But the lack of good science advice has not slowed the president and his administration in their assaults on health and environmental policy and in weighing in on national-security issues involving science and technology. His decision to pull the nation out of the Paris climate agreement is one example. So was his appointment of Scott Pruitt, a lawyer with little real understanding of climate science, as administrator of the Environmental Protection Agency.

Under Mr. Pruitt, the agency has been systematically excluding good science and scientists from its decision-making processes. He ignored strong recommendations of E.P.A. staff scientists in his decision against banning all uses of the pesticide chlorpyrifos, which research strongly suggests damages the developing nervous systems of children. Many accomplished scientists are meanwhile being removed from the agency's advisory boards.

Sound science advice was also conspicuously absent from the president's revised budget for the fiscal year 2018, which features draconian cuts at the E.P.A., the Department of Energy, the National Institutes of Health, the National Oceanographic and Atmospheric Administration, the National Science Foundation and other federal agencies — especially those sponsoring climate-change research. Congress has largely refused to go along with the drastic cuts, but significant reductions will almost inevitably occur this year.

The assaults by Mr. Trump and his administration on American science and technology might have been avoided, or at least tempered, had the president already named, and the Senate confirmed, a distinguished scientist as his science adviser — especially if that individual had direct presidential access.

Nowhere is this need for advice more crucial than in the arena of nuclear weaponry. In fact, most presidential science advisers have been physicists, who can knowledgeably address the technologically sophisticated questions that always arise in this arena. For instance, in the case of the 2015 international nuclear agreement with Iran, President Obama benefited from the trusted advice of Dr. Holdren and his energy secretary, Ernest Moniz, an M.I.T. nuclear physicist, both experts on the science, technology and policy of nonproliferation. It's unclear whose advice Mr. Trump relied on when he refused last year to certify Iran's compliance with that deal. This is an exceedingly dangerous situation, particularly in view of the looming threat of a nuclear confrontation with North Korea.

No president in recent history has needed a capable science adviser more while apparently wanting one less. But given Mr. Trump's obvious disdain for science — and for evidence in general — it will be difficult at this point, if not impossible, to find an accomplished, reputable scientist who would agree to work with him.

***Neal F. Lane, a former science adviser to President Bill Clinton, is a senior fellow in science and technology policy at the Baker Institute at Rice University. Michael Riordan, author of "The Hunting of the Quark," has taught the history of physics at Stanford and the University of California, Santa Cruz***

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**NY TIMES - Expect Environmental Battles to Be 'Even More Significant' in 2018**

<https://www.nytimes.com/2018/01/05/climate/trump-environment-2018.html>

By Lisa Friedman, 1/5/18

WASHINGTON — If 2017 was the Trump administration's year of grand pronouncements declaring an end to environmental regulations, 2018 will be the year of trying to finish what it started.

Despite President Trump's proclamation in the Rose Garden that the United States will withdraw from the Paris climate agreement, the United States is still in the Paris agreement. Despite a trip by Scott Pruitt, the head of the Environmental Protection Agency, to Kentucky coal country to announce an end to the Clean Power Plan rule curbing coal plant emissions, the Clean Power Plan still stands. And a host of other federal regulations, from controls on methane emissions to protections for wetlands, remain on the books despite executive orders declaring them void.

The administration opened the new year by proposing to reverse a ban on offshore oil and gas drilling in most United States coastal waters. But environmentalists and proponents of deregulation alike say they expect fewer high-profile announcements over all and more action in the courts, where both sides will fight over the future of deregulation.

"You may not see as many fireworks as there were in the past, but I think it's going to be an even more significant year," predicted Representative Rob Bishop, Republican of Utah and the chairman of the House Natural Resources Committee.

The Clean Power Plan isn't dead yet

Mr. Pruitt put forward a formal plan in October to eliminate the Clean Power Plan, the Obama-era regulation restricting emissions from new coal-fired power plants. But analysts say the road to getting rid of the regulation is still a long one.

The public has a chance to weigh in on the effort until Jan. 16. But the E.P.A. recently announced that new hearings would be held in San Francisco, Gillette, Wyo., and Kansas City, Mo. The dates have not been scheduled, but the meetings could push back the comment period and by extension progress on the full repeal.

The agency has indicated it plans to devise a new, narrower version of the regulation. Yet so far, all it has done is ask the public for thoughts on what a new rule should look like.

"They're nowhere near the end of the line on the Clean Power Plan," said David Doniger, director of the Climate and Clean Energy Program at the Natural Resources Defense Council. If the E.P.A. kills the regulation before it moves forward with a replacement, Mr. Doniger said, the agency could be vulnerable to lawsuits because under the Clean Air Act it will still be obligated to address carbon dioxide.

“They have a long way to go to finish their rollback goals,” Mr. Doniger said. “And when they finish, we will see them in court.”

Scott H. Segal, a lawyer with the firm Bracewell who supports rolling back the Clean Power Plan, said replacing the rule — presumably with one that merely directs coal plants to enact efficiency measures — would allow utilities to plan ahead and would serve “as a bulwark against frivolous litigation.”

How far is Pruitt willing to go?

Mr. Pruitt told coal industry executives in June that he wanted the E.P.A. to conduct a “red team-blue team” debate to raise questions about climate science. But there has been no public announcement about such an effort to date.

That might not stop a broader inquiry into the legal underpinning of E.P.A. climate regulations, a 2009 document known as the endangerment finding.

The endangerment finding concludes that greenhouse gas emissions pose a threat to human health and must be regulated under the Clean Air Act. As long as it stands, the E.P.A. will be obligated to address climate change, even without the Clean Power Plan.

Legal experts agree that challenging the endangerment finding will be an uphill battle. But it may be one Mr. Pruitt wants to wage. In several interviews last year Mr. Pruitt cast doubt on the document, and he has faced pressure from his supporters to overturn it. Yet he has avoided declaring definitively whether he will do so.

Repealing the Clean Power Plan may force Mr. Pruitt to make a decision one way or another by the end of the year.

Keep an eye on the infrastructure bill

With a major tax bill out of the way, Mr. Trump has said he hopes to tackle infrastructure next. That could create an opening for some of the year’s biggest environmental changes.

Mr. Bishop said he hoped any infrastructure bill would incorporate changes to the Endangered Species Act, which many conservatives argue has been used to thwart development. He also wants to overhaul a 1969 law that requires federal agencies to assess the environmental effects of their proposed actions.

“People have realized over and over again how that bill that was supposed to be passed so there is local input is being used to stop progress,” Mr. Bishop said of the law, the National Environmental Policy Act. He has previously introduced legislation that would make the endangered species law more friendly to landowners and industry.

“If there is a big infrastructure bill we will try to put those all in a big package,” Mr. Bishop said. “If not we will try to move them in pieces.”

Christy Goldfuss, who led the White House Council on Environmental Quality in the Obama

administration, said she expected a bruising battle.

“The infrastructure fight will be very much set up as a false choice between putting people to work and destroying the bedrock environmental laws,” she said. Efforts to weaken rules on the construction of roads and bridges, she said, do not draw attention like debates over climate change. But she asserted that undermining fundamental environmental safeguards will do long term damage.

“This is going to be a big fight for the environmental community,” she said.

Marianne

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**From:** Holsman, Marianne

**Sent:** Thursday, January 04, 2018 4:01 PM

**To:** Hladick, Christopher <hladick.christopher@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>

**Subject:** Public Affairs Summary for Regional Administrator, Jan. 04, 2017